

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21 CR 00267 SRC NCC
)	
KHASHAD SPENCER,)	
)	
Defendant.)	

MOTION FOR PRETRIAL DETENTION AND HEARING

The United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Kourtney M. Bell, Assistant United States Attorney for the District, moves the Court to order Defendant detained pending trial and further requests that a detention hearing is held three days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is currently charged in a three-count indictment with being a felon in possession of one or more firearms, in violation of Title 18, United States Code, Section 922(g)(1), possession with intent to distribute fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and possession of a firearm in furtherance of drug trafficking, in violation of Title 18, United States Code, Section 924(c). Possession with intent to distribute fentanyl and possession of a firearm in furtherance of drug trafficking both carry a rebuttal presumption of pretrial detention pursuant to Title 18, United States Code, Section 3142.

2. Pursuant to Title 18, United States Code, Section 3142(g)(2), the weight of the evidence involves a prohibited person, Defendant, knowingly and unlawfully possessing four firearms: a Spikes Tactical, ST15 model, semi-automatic pistol, an Anderson Manufacturing, AM-15 model, semi-automatic pistol, a Glock, 19 Gen4 model, semi-automatic pistol, and a Taurus, 605 model, revolver pistol. All the firearms, with exception to the revolver, were loaded, and at least two had been modified with firearm

accessories. Police also discovered inside Defendant's vehicle a black and red backpack containing the following: multiple empty capsules, several pill presses, a plate, a spoon, sandwich baggies, a grinder, and 98 multicolored capsules containing a white powdery substance. The spoon was later determined to contain a trace amount of heroin, and the capsules were determined to contain fentanyl.

3. Pursuant to Title 18, United States Code, Section 3142(g)(3), the history and characteristics of Defendant's prior conduct include a 2018 felony conviction in the State of Missouri for Possession of a Controlled Substance and Unlawful Use of a Weapon. It also appears that Defendant has had a least one probation violation and that he has pending charges in the City of St. Louis for an aggravated assault.

4. Pursuant to Title 18, United States Code, Section 3142(g)(4), the nature and seriousness of the danger to any person or the community that would be posed by Defendant's release warrant Defendant's detention pending trial. The evidence against Defendant is strong. Defendant has previously been convicted in the State of Missouri for similar conduct to that alleged in the present case and has at least one prior probation violation. It is also worth noting that Defendant is a prohibited person from possessing a firearm; notwithstanding, Defendant was found in possession of two narcotics, four firearms, three of which were loaded, and indica drug trafficking. As such, no condition or combination of conditions will suffice when considering the threat that Defendant presents to the public at large.

5. There is also a serious risk that Defendant will flee. Defendant faces a serious charge in this action, and his exposure is significant.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further order a detention hearing three days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

s/ KOURTNEY M. BELL
KOURTNEY M. BELL, #300171 (CA)
Assistant United States Attorney